

## Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH

SUPERIOR COURT DEPARTMENT

CIVIL DOCKET NO. 1984-CV-0476CAlexander Segovia, PLAINTIFF(S),

v.

Anael Ruiz, et al, DEFENDANT(S)

## SUMMONS

THIS SUMMONS IS DIRECTED TO Anael Ruiz (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
  - a. Filing your signed original response with the Clerk's Office for Civil Business, Suffolk Superior Court, under Sec. Boston, MA (address), by mail or in person, AND
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: 100 State Street 9th Fl. Boston, MA
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.

*Phonics Rec.*

A true copy filed  
 3/26/19

Deputy Sheriff Suffolk County

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 1984-CV-04766

Alexander Segovia, PLAINTIFF(S),

v.  
A & D Service Corporation, DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO A & D Service Corporation (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
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  - a. Filing your signed original response with the Clerk's Office for Civil Business, Suffolk Superior Court, Embargo St. Boston, MA (address), by mail or in person, AND
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: 100 State St. 9th Fl. Boston, MA 02109
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.

A true copy Attest:

2/20/19  
Deputy Sheriff Suffolk County

Commonwealth of Massachusetts

SUFFOLK, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL DOCKET NO. 1984-CV-0476C

Alexandre Segovia, PLAINTIFF(S),

v.

Rosemary Ruiz, et al, DEFENDANT(S)

SUMMONS


THIS SUMMONS IS DIRECTED TO Rosemary Ruiz (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Suffolk Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
  - a. Filing your signed original response with the Clerk's Office for Civil Business, Suffolk Superior Court, 100 State Street, 9th Fl. Boston, MA (address), by mail or in person, **AND**
  - b. Delivering or mailing a copy of your response to the Plaintiff's Attorney/Plaintiff at the following address: 100 State Street, 9th Fl. Boston, MA
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "Motion to Dismiss," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under Mass. R. Civ. P. 12. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.

*[Signature]*

A true copy Attest:  
2/26/19 Deputy Sheriff Suffolk County

<b>CIVIL TRACKING ORDER</b> (STANDING ORDER 1- 88)	DOCKET NUMBER <b>1984CV00476 C</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b> 
CASE NAME: Alexander Segovia vs. A&D Service Corporation et al		Michael Joseph Donovan, Clerk of Court
TO:		COURT NAME & ADDRESS Suffolk County Superior Court - Civil Suffolk County Courthouse, 12th Floor Three Pemberton Square Boston, MA 02108

### TRACKING ORDER - F - Fast Track

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

#### STAGES OF LITIGATION

#### DEADLINE

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		05/13/2019	
Response to the complaint filed (also see MRCP 12)		06/12/2019	
All motions under MRCP 12, 19, and 20	06/12/2019	07/12/2019	08/12/2019
All motions under MRCP 15	06/12/2019	07/12/2019	08/12/2019
All discovery requests and depositions served and non-expert depositions completed	12/09/2019		
All motions under MRCP 56	01/08/2020	02/07/2020	
Final pre-trial conference held and/or firm trial date set			06/08/2020
Case shall be resolved and judgment shall issue by			02/11/2021

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED <b>02/12/2019</b>	ASSISTANT CLERK <b>Paul Kenneally</b>	PHONE <b>(617)788-8172</b>
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<b>CIVIL ACTION COVER SHEET</b>		DOCKET NUMBER	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b>	
<b>PLAINTIFF(S):</b> Alexander Segovia <b>ADDRESS:</b> 61 Watts Street, Chelsea, MA 02150		<b>COUNTY</b> Suffolk		
<b>ATTORNEY:</b> David Summer <b>ADDRESS:</b> 100 State Street, Suite 900, Boston, MA 02109		<b>DEFENDANT(S):</b> A&D Construction Service Corporation, Rosemary Ruiz, Anael Ruiz <b>ADDRESS:</b> 181 Suffolk Avenue, Revere, MA 02151		
<b>BBO:</b> 634514				
<b>TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)</b>				
<b>CODE NO.</b> A99	<b>TYPE OF ACTION (specify)</b> Other (Wage Action)	<b>TRACK</b> F	<b>HAS A JURY CLAIM BEEN MADE?</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<b>*If "Other" please describe:</b>				
<b>STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A</b>				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
<b>TORT CLAIMS</b> (attach additional sheets as necessary)				
<b>A. Documented medical expenses to date:</b> 1. Total hospital expenses ..... \$ ..... 2. Total doctor expenses ..... \$ ..... 3. Total chiropractic expenses ..... \$ ..... 4. Total physical therapy expenses ..... \$ ..... 5. Total other expenses (describe below) ..... \$ ..... <div style="text-align: right;"><b>Subtotal (A):</b> \$ .....</div>				
<b>B. Documented lost wages and compensation to date</b> ..... \$ ..... <b>C. Documented property damages to dated</b> ..... \$ ..... <b>D. Reasonably anticipated future medical and hospital expenses</b> ..... \$ ..... <b>E. Reasonably anticipated lost wages</b> ..... \$ ..... <b>F. Other documented items of damages (describe below)</b> ..... \$ .....				
<b>G. Briefly describe plaintiff's injury, including the nature and extent of injury:</b> <div style="text-align: right;"><b>TOTAL (A-F):</b> \$ .....</div>				
<b>CONTRACT CLAIMS</b> (attach additional sheets as necessary)				
Provide a detailed description of claims(s): <i>Unpaid overtime and wages</i> <div style="text-align: right;"><b>TOTAL:</b> \$ <i>60,000+</i></div>				
<b>Signature of Attorney/Pro Se Plaintiff: X</b> <i>[Signature]</i>				<b>Date:</b> Feb 8, 2019
<b>RELATED ACTIONS:</b> Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
<b>CERTIFICATION PURSUANT TO SJC RULE 1:18</b>				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
<b>Signature of Attorney of Record: X</b> <i>[Signature]</i>				<b>Date:</b> Feb 8, 2019

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
DOCKET NO.

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ALEXANDER SEGOVIA

Plaintiff,

v.

A&D SERVICE CORPORATION,

ROSEMARY RUIZ, and

ANAEL RUIZ

Defendants

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**COMPLAINT AND JURY DEMAND**

**Introduction**

1. Plaintiff Alexander Segovia resides in Chelsea, Massachusetts.
2. Defendant A&D Construction Service Corporation (A&D) is located at 181 Suffolk Avenue, Revere, MA.
3. Defendant Rosemary Ruiz ("Rosemary") resides in Revere, MA and is the President of A&D.
4. Defendants Anael Ruiz ("Anael") resides in Revere, MA and is the Vice President, Director, and is in charge of A&D.
5. The Plaintiff worked A&D from March 2014 until October 2018. He worked sixty hours per week and was not paid overtime for any hours worked.
6. When the Plaintiff was terminated, he was not paid for all amounts owed to him, including all his vacation time.

7. Prior to his termination, the Plaintiff had to take time off for illness. Instead of using his sick time, the Plaintiff's vacation time was used. As such, the Plaintiff was not paid for his sick time.

**Count I**

**Violation of the Fair Labor Standards Act**

8. The Plaintiff realleges and reincorporates paragraphs 1-7 herein.
9. The Defendants have annual sales greater than \$500,000 per year and are engaged in interstate commerce.
10. The Defendants violated the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, by failing to pay the Plaintiff overtime wages for all time he worked in excess of forty (40) hours in individual work weeks.
11. The Defendants violated the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*, by failing to pay the Plaintiff regular wages for all time the Plaintiff worked.
12. Pursuant to 29 U.S.C. § 207, the Plaintiff was entitled to be compensated at a rate of one and one-half times his regular rate of pay for all time worked in excess of forty (40) hours in individual workweeks.
13. Defendants did not compensate the Plaintiff at one and one-half times his regular rate of pay for all time worked in excess of forty (40) hours in individual work weeks and failed to pay the Plaintiff their regular wages.
14. Defendants' violations of the Fair Labor Standards Act were repeated, willful and intentional.
15. The Plaintiff has been damaged by these violations of the Fair Labor Standards

Act.

16. Pursuant to 29 U.S.C. §207(a) and § 216(b), Defendants are liable to the Plaintiff for the full amount of his unpaid overtime compensation and regular compensation, plus an additional equal amount as liquidated damages, plus the costs and reasonable attorney's fees incurred by the Plaintiff in bringing this action.

## **COUNT II**

### **Violation of the Massachusetts Wage Act**

17. The Plaintiff realleges and reincorporates paragraphs 1-16 herein.
18. Defendants' conduct in failing to pay the Plaintiffs for all hours worked, as set forth above, violates M.G.L. c. 149, § 148. This claim is brought pursuant to M.G.L. c. 149, § 150.
19. The Plaintiff was not paid his vacation pay upon his termination and was not paid his sick time due.
20. Rosemary was the President of A&D and Anael is a responsible officer and person. As such, both are liable under the Massachusetts Wage Act.
21. Pursuant to the Massachusetts Wage Act, the Defendants are liable to the Plaintiff for the full amount of his regular and overtime pay, plus an additional equal double amount as liquidated damages, plus the costs and reasonable attorney's fees incurred by the Plaintiff in bringing this action.



**COUNT III**

**OVERTIME VIOLATIONS**

22. The Plaintiff realleges and reincorporates paragraphs 1-21 herein.
23. Defendants' conduct in failing to pay the Plaintiff time-and-a-half for unpaid hours worked in excess of forty per week, as set forth above, violates M.G.L. c. 151, § 1A. This claim is brought pursuant to M.G.L. c. 151, § 1B.
24. As such, the Defendants are liable to the Plaintiff for the full amount of his overtime pay, plus an additional equal amount as liquidated damages, plus the costs and reasonable attorney's fees incurred by Plaintiff in bringing this action.

**COUNT IV**

**SICK TIME VIOLATIONS**

25. The Plaintiff realleges and reincorporates paragraphs 1-26 herein.
26. Defendants interfered with the Plaintiff's use of His earned sick time by their actions, which included but are not limited to, failing to allow him to use the time and taking his vacation time instead.
27. The Defendant's actions violated M.G.L. c. 149 § 148C and the Plaintiff suffered damages as a result.

**JURY DEMAND**

Plaintiff hereby requests a trial by jury on all his claims.

WHEREFORE, Plaintiffs requests that this Court enter the following relief:

1. An award of damages for all wages, vacation pay, sick time, and overtime wages, that are due to the Plaintiffs under Counts I-IV;
2. Statutory trebling of all wage-related damages;
3. Attorneys' fees and costs;
4. Pre- and post-judgment interest; and
5. Any other relief to which the named Plaintiff may be entitled.

Respectfully submitted,


The Plaintiffs  
By his attorney,



Dated: 2/8/19

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David B. Summer (BBO 634514)  
100 State Street, Suite 900  
Boston, MA 02109  
(617) 695-0050  
Fax: (617) 695-0055

<b>CIVIL TRACKING ORDER</b> (STANDING ORDER 1- 88)	DOCKET NUMBER <b>1984CV00476 C</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b> 
CASE NAME: Alexander Segovia vs. A&D Service Corporation et al		Michael Joseph Donovan, Clerk of Court
TO:		COURT NAME & ADDRESS Suffolk County Superior Court - Civil Suffolk County Courthouse, 12th Floor Three Pemberton Square Boston, MA 02108

**TRACKING ORDER - F - Fast Track**

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The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.  
Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.  
This case is assigned to

DATE ISSUED <b>02/12/2019</b>	ASSISTANT CLERK <b>Paul Kenneally</b>	PHONE <b>(617)788-8172</b>
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